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U.S. DISTRICT COURT
ATLANTA
OCT 24 2005
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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

JOSE ENCARNACION,)
Petitioner,)
v.) CV 305-096
MICHAEL V. PUGH, Warden,)
Respondent.)

O R D E R

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation to which no objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, the motion to stay the proceedings is **DENIED as MOOT**, the petition is **DENIED**, and this civil action shall be **CLOSED**.

SO ORDERED this 24 day of October, 2005.

John F. Nangle
JOHN F. NANGLE, JUDGE
UNITED STATES DISTRICT COURT